

REC 10  
IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

CARL EMMETT WYATT  
Petitioner

CIVIL ACTION  
NO. 2:05-781-F

V. S

GWENDOLYN MOSLEY, WARDEN, ET. AL  
Respondant

Petitioners Response To Court order.  
Dated. 3 October 2005

### STATEMENT OF FACTS.

On May-8<sup>th</sup>-2000 The petitioner appeared before  
a Trial Jury for MURDER and RECKLESS MURDER  
of his friend Hermon Searcy.

petitioners attorney failed to apply appropriate Law  
by letting him stand Trial before a Jury in  
a bright orange Jail house clothing with the  
words AUTAUGA COUNTY JAIL stenciled on the  
front and back, allowing The petitioner to  
appear before a Jury he failed to protect his  
Presumption of Innocence which is a violation of

the petitioners due process rights of The Constitution amendment #14 as well as his 5<sup>th</sup> and 6<sup>th</sup> amendments. The petitioner was sentenced To 30 yrs DOC. for ~~the~~ <sup>an</sup> Reckless Murder and was Incarcerated at Easterling Correctional Facility at Clio, Alabama in February 2001. The petitioner and another Inmate began a search & Discovery of the petitioner's Court Transcript and Case Laws in The facility's Law Library, and discovered that the petitioners presumptions of Innocence had been violated by being allowed to go before a Jury in prison clothes. So The petitioner called his brother was telling him about it. When The petitioner found out that his brother had brought him clothing To wave To Court, the petitioner did not know at the time that he had a option, because he was was in State and County Control. The petitioner is sending a signed and notarized statement To the fact he had brought the petitioner clothing To wave To Court.

The petitioner prays The Court will grant him a new Trial or other Relief.

Read EXHIBITS 2A + 1B + 2B. Thanks

Dated 11-October-2005

Sincerely Carl Eligato

## CERTIFICATE OF SERVICE

I CARL EMMETT WYATT hereby certify on this  
11<sup>th</sup> Day of October 2005 file the foregoing  
and a signed and notarized statement from my  
brother. By placing in the U.S mail box, addressed  
To: MARC A STARRETT office of the Attorney General  
Alabama State house 11 South Union St. Montgomery  
Alabama, 36130-152 and  
To: The United States District Court of the middle District  
Northern Division of Alabama P.O. box # 711  
Montgomery Alabama 36101-0711

Dated 11 October 2005

Signature Carl E Wyatt  
CARL EMMETT WYATT A15211315  
Easterling Correctional Facility  
200 Wallace Drive.  
Clio, Alabama 36017